

Harrington Park
PLANNING BOARD
REGULAR MEETING MINUTES
Tuesday, May 9, 2017 @ 7:00PM

Chair Capazzi brought the meeting to order at 7:05PM.

Roll Call	PRESENT	ABSENT
Chairman John CAPAZZI	X	
Vice-Chair Peter ARDITO	X	
Mayor Paul HOELSCHER	X	
Councilman Allan NAPOLITANO	X	
Member Richard McLAUGHLIN	X	
Member Philip LEE	X	
Member Robert WALDRON	X	
Alt. #1 BARRAGATO		X
Alt. #2 SEYMOUR-JONES	X	

Also Present: Jennifer Knarich, Legal Counsel, Michael Hakim,
Planner Anthony Kurus, Engineer, Florence Savoye, Clerk

INVOICES FOR APPROVAL-

Hakim & Associates: Allegro- \$2380.00 March 2017, \$2380.00 April 2017, \$1120.00 COAH, \$280.00 April General. Neglia Engineering - \$750.00 Allegro

	Move	Second	YES	NO	Abstain
Chair John CAPAZZI			X		
Vice Chair Peter ARDITO		X	X		
Mayor HOELSCHER			X		
Councilman Allen NAPOLITANO			X		
Richard McLAUGHLIN	X		X		
Philip LEE			X		
Robert WALDRON			X		
Alt. #1 Jesse BARRAGATO					
Alt. #2 Arnold SEYMOUR-JONES			X		

NO MINUTES APPROVED – April 11, April 18 and March 28 minutes tabled until next meeting.

EXECUTIVE SESSION

Resolution for the Planning Board to meet without the public to discuss pending and/or threatened litigation.

	Move	Second	YES	NO	Abstain
Chair John CAPAZZI			X		
Vice Chair Peter ARDITO	X		X		
Mayor HOELSCHER		X	X		
Councilman Allen NAPOLITANO			X		
Richard McLAUGHLIN			X		
Philip LEE			X		
Robert WALDRON			X		
Alt. #1 Jesse BARRAGATO					
Alt. #2 Arnold SEYMOUR-JONES			X		

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MAJOR SOIL MOVEMENT RESOLUTION FOR ADOPTION

41 Lee Street Block 203, Lot 9

Jerry O'Brien of O'Brien Signature Homes, LLC

The soil movement permit was granted, with the condition of 10 replacement trees of different species that will create habitats for birds, bees and butterflies.

	Move	Second	YES	NO	Abstain
Chair John CAPAZZI			X		
Vice Chair Peter ARDITO			X		
Mayor HOELSCHER			X		
Councilman Allen NAPOLITANO			X		
Richard McLAUGHLIN	X		X		
Philip LEE			X		
Robert WALDRON		X	X		
Alt. #1 Jesse BARRAGATO					
Alt. #2 Arnold SEYMOUR-JONES			X		

MASTER PLAN RESOLUTION FOR ADOPTION

Amendment to the I-1 Zoning Regulations

The Board recommends the Mayor & Council adopt the amendment.

	Move	Second	YES	NO	Abstain
Chair John CAPAZZI			X		
Vice Chair Peter ARDITO		X	X		
Mayor HOELSCHER			X		
Councilman Allen NAPOLITANO	X		X		
Richard McLAUGHLIN			X		
Philip LEE			X		
Robert WALDRON					Recused
Alt. #1 Jesse BARRAGATO					
Alt. #2 Arnold SEYMOUR-JONES			X		

APPLICATION FOR RECONSIDERATION:

AnnaLisa Pastore Conditional Use Application denied at previous meeting

347 Parkside Avenue Block 1401, Lot 14

In a memo dated April 28, 2017 Mr. Angowski requested reconsideration from the board after almost a year of meetings and submission of several plans which met the requirements and requests made by the board professionals as well as addressing concerns of the adjacent neighbors.

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Mr. McLaughlin motioned, Mr. Napolitano seconded, and the remaining Board members agreed with “Aye” to open the meeting to the public.

7:55PM OPEN TO THE PUBLIC

Margaret Lorenzo did not have questions, only comments. Linda Michels of 154 Norma Road comments were not admissible. Mr. Angowski objected, referring to testimony stating the loft in the garage would not be used for a living space. Ms. Knarich offered that at-will inspections could be a condition of approval.

Ms. Michels states that kids will grow up and then there will be even more vehicles on the property.

Mr. Angowski notes the plan relied on the suggestions of the Borough Planner and Engineer.

Mr. Waldron asked for reassurance that there would only be one employee assisting Dr. Pastore on site. The applicant reiterated additional scheduling personnel would be off site.

Dr. Gallos, Dr. Pastore’s spouse, appealed to the Board to approve the application in order to enhance the quality of life for Dr. Pastore given her disability.

John Taranto of 387 Parkside Road supports the application.

Mr. Paul Collins, of 576 Lynn St. supports the application, noting the addition of a doctor’s office is positive.

Loretta Borghi, of Bogerts Mill Road, corroborates Dr. Pastore’s desire to downsize her practice and be more accessible to her children. There are very few physicians in the area with this expertise, it will benefit the town.

Cari Guerra, of 5 La Roche Avenue, notes she currently lives in a home previously used as a Dr. Nelson’s office, and the number of residents who have fond memories of their visits there. It will be an asset to the town.

Ms. Lorenzo does not think opening our area to more commerce is good.

Ms. Charlene Furman of 260 Florence Road asks if there will be any parking on Parkside.

Mr. Ardito motioned, Mr. McLaughlin seconded, and the remaining Board members agreed with “Aye” to close the meeting to the public.

8:12 PM CLOSED TO THE PUBLIC

Mr. Waldron asks for the hours of operation to be stated again for the record. Mr. Angowski states the office will be open from 9:00AM to 4:00 PM Monday through Thursday. Dr. Pastore has a total of about 550 patients, and sees about 30 patients a week. Only Dr. Pastore and her medical assistant will be on site. Intake appointments take about 1.5 hours, follow up appointments take about 45 minutes.

Mr. Waldron asks if the applicant is open to inspections by the Zoning Official; the applicant agrees.

Mr. Angowski states that a medical practice is inherently beneficial to a community, and the Borough ordinances support this use.

Mr. Ardito moves to approve the application subject to the conditions set forth by Mr. Napolitano this evening and previously. Mr. Napolitano seconds; a vote is taken.

	Move	Second	YES	NO	Abstain
Chair John CAPAZZI				X	
Vice Chair Peter ARDITO	X		X		
Mayor HOELSCHER				X	
Councilman Allen NAPOLITANO		X	X		
Richard McLAUGHLIN			X		
Philip Lee				X	
Robert WALDRON			X		
Alt. #1 Jesse BARRAGATO					
Alt. #2 Arnold SEYMOUR-JONES					

8:30 PM A 5 minute recess is called

RETURNING APPLICATION

Allegro Development Company, LLC

PRELIMINARY SITE PLAN/SOIL MOVEMENT/SUBDIVISION APPLICATION

200 Old Hook Road Block 1601, Lot 1

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Mr. Napolitano had to leave the meeting, so Mr. Seymour Jones joined the Board members.
Mayor Hoelscher asks for an extension beyond 11:00PM in case the Board is close to voting.

Several Borough Officials will present letters of certification:

Exhibit B-5 Harrington Park Fire Department letter dated April 9, 2017

Fire Chief Robert McElroy of 69 Columbus Ave, Closter reads the letter into the record after being sworn in. He states the Harrington Park Fire Department has reached agreement with Allegro on the conditions set forth in the letter.

Exhibit B-5A – Letter dated May 5, 2017, Certification

Members of the Planning Board,

As per Harrington Park Ordinance Section 350-1 (60), this letter shall serve as written certification that as stated in the Harrington Park Fire Department's report dated April 9, 2017, the provisions have been made to permit the Harrington Park Fire Department to adequately and totally service the Allegro proposed facility especially during emergencies.

Signed, Robert McElroy, Fire Chief

Mr. McLaughlin motions, Mayor Hoelscher seconds and the remaining Board members agreed with "Aye" to open the meeting to the public.

OPEN TO THE PUBLIC

No one wished to speak.

Mayor Hoelscher motions, Mr. Ardito seconds and the remaining Board members agreed with "Aye" to close the meeting to the public.

CLOSED TO THE PUBLIC

Theresa Hazelton, Vice Chair of the Harrington Park Environmental Commission, of 84 George Street

Ms. Hazelton is sworn in.

Exhibit B-9 Harrington Park Environmental Commission letter dated April 4, 2017

Mr. Podvey invites Ms. Hazelton to summarize the letter due to the length. One correction needs to be made, and Ms. Hazelton will forward the corrected letter to Ms. Knarich. The amount agreed upon for the Harrington Park Tree Fund has been raised from \$17, 000.00 to \$20,000.00.

Further, \$34, 000.00 has been named to rehabilitate the jug handle area of Old Hook Road. Approximately half of that will be used for the jug handle, the other half throughout the town. A rain garden has been added to the plans. Charging stations in the parking lot with proper signage for low emission vehicles have been added to the plan. Solar energy was requested but found not feasible at this time; Allegro agrees to revisit in the future. A recycling program has been designated. Ms. Hazelton remarks that Allegro has been very willing to accommodate measures to protect the local environment. While not LEED, the project is very green energy efficient, using leadership in environmental design in the building.

Mr. Napolitano motions, Mayor Hoelscher seconds and the remaining Board members agreed with "Aye" to open the meeting to the public.

OPEN TO THE PUBLIC

No one wished to speak.

Mayor Hoelscher motions, Mr. Napolitano seconds and the remaining Board members agreed with "Aye" to close the meeting to the public.

CLOSED TO THE PUBLIC

Officer Michael Getto, of the Harrington Police Department, 49 La Roche Avenue is sworn in.

Exhibit B-10, Letter from the Harrington Police Department dated May 4, 2017

Ms. Knarich invites Mr. Getto to read the letter into the record:

Members of the Planning Board,

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Pursuant to per Harrington Park Ordinance Section 350-1 (60), this letter shall serve as written certification that in accordance with the attached Police Department report dated February 21, 2017, the Harrington Park Police Department can adequately and totally service the Allegro proposed facility especially during emergencies.

Sincerely yours, Albert Maalouf, Chief.

Mr. Napolitano clarifies that this report is made with the understanding current staffing of the police will remain the same.

Mayor Hoelscher motions, Mr. Ardito seconds and the remaining Board members agreed with “Aye” to open the meeting to the public.

OPEN TO THE PUBLIC

No one wished to speak.

Mr. Napolitano motions, Mr. Ardito seconds and the remaining Board members agreed with “Aye” to close the meeting to the public.

CLOSED TO THE PUBLIC

Mr. Barry Wood, Harrington Park Volunteer Ambulance Corps, of 49 Lincoln Terrace is sworn in.

Exhibit B-11 Harrington Park Volunteer Ambulance Corps letter dated May 5, 2017

Ms. Knarich invites Mr. Wood to read the letter into the record:

Members of the Planning Board,

Pursuant to Harrington Park Ordinance Section 350-1 (60), this letter shall serve as written certification that subject of the attached HPVAC report dated January 17, 2017, provisions have been made to permit the Harrington Park EMS to adequately and totally service the Allegro proposed facility especially during emergencies.

Mr. Wood would like to get some additional items into the record. Ms. Knarich swore in Mr. Miller, of 10039 Conway, Saint Louis, MO, standing in for Mr. Miklich from Allegro.

Mr. Miller confirms the majority of the staff will be trained in CPR. An adequate number of defibrillators, one to a wing, will be provided. Mr. Podvey confirms this was agreed to.

A contract for private ambulance service four days a week will be a condition of approval.

Mr. Podvey states that Mr. Miklich agreed to larger size elevators to accommodate the 8 feet long cots and exit ramps. Additionally, Mr. Woods recommends Allegro research getting a Lucas, an automatic CPR machine, which has been used very successfully by the HP EMS in the past two years.

Mayor Hoelscher motions, Mr. Ardito seconds and the remaining Board members agreed with “Aye” to open the meeting to the public.

OPEN TO THE PUBLIC

No one wished to speak.

Mr. Napolitano motions, Mr. McLaughlin seconds and the remaining Board members agreed with “Aye” to close the meeting to the public.

CLOSED TO THE PUBLIC

Exhibit B-6 letter from the Harrington Park Department of Public Works, undated

Mr. Podvey states the maintenance for the island at the jug handle is still a matter in negotiation between Allegro, Suez and Bergen County.

Exhibit B-7 Harrington Park Board of Health letter, undated, unsigned

Mr. Podvey states Allegro will comply with everything in the letter.

Exhibit B-8 Harrington Park Building Department letter dated February 26, 2017

Mr. Podvey states the relocation of the ADA parking spaces is still a matter in negotiation

Mr. Podvey recalls Ms. Lisa DiGerolamo, previously sworn in, to testify

Exhibit A-36, Revised Site Plan CO4, revised 5/5/17

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This plan introduces a landscaped island into the large parking area, per instruction by Mr. Hakim. Also, one parking stall was regained in the parking area to the north. Another spot was gained in the small parking area along the loop road to the south. Ms. Knarich clarifies the number of spots has not changed, just the location of these few.

Ms. DiGerolamo moves onto the relocation of the ADA parking stalls. In response to the Building Departments letter, two of the stalls previously located in the south, are now moved to the west. Again, there is no change in the number, just the location of the spots, which are now closer to the entrance.

Mr. Kurus asks about more ADA ramps and that the path from the ADA parking to the entrance entails walking on the roadway. Ms. DiGerolamo notes that the grading is a significant problem. Mr. Hakim suggests adding signage to alert motorists of the potential for pedestrians.

Mr. McLaughlin motions, Mr. Lee seconds and the remaining Board members agreed with “Aye” to open the meeting to the public for questions of the Applicant’s Engineer.

OPEN TO THE PUBLIC

Mr. Pugh, 64 Prospect Street, Demarest asks about tree preservation on the site. He is counseled that this has been covered in a previous meeting.

Mayor Hoelscher motions, Mr. Napolitano seconds and the remaining Board members agreed with “Aye” to close the meeting to the public.

CLOSED TO THE PUBLIC

Mr. Podvey recalls Mr. Dan King, who is reminded he is still under oath.

Exhibit A – 37 Revised Plan with marketing trailer dated 5/2/2017

The marketing trailer is permitted by ordinance. The location of the trailer proposed is the far west, northwest side of the existing parking lot, facing the street. It will be far away from construction to keep customers safe. A ramp will take them into a double sided trailer, finished out to resemble the units, with a couple of offices and a conference room. The trailer will be operating in the 12 months before project completion. Once the C.O. is finalized, it will take about 2 weeks to dismantle and remove from the site.

Exhibit A -30, item 8 states the existing sign on Old Hook Road will be replaced with a smaller, 2 x 3 feet sign stating the entrance to Allegro.

Mr. Ardito motions, Mr. McLaughlin seconds and the remaining Board members agreed with “Aye” to open the meeting to the public for questions of the Applicant’s Architect.

OPEN TO THE PUBLIC

Mr. Furman, 260 Florence Road asks about the number of signs. Two larger, 16x7 feet signs on the building and one small “way finding” sign at the jug handle island are the only signs proposed, per Exhibit A-30.

Mr. McLaughlin motions, Mr. Ardito seconds and the remaining Board members agreed with “Aye” to close the meeting to the public.

CLOSED TO THE PUBLIC

Mr. Podvey recalls Mr. Snieckus, who is reminded he is still under oath discusses the lighting plan, referring to **Exhibit A-38 Lighting Plan revision** date of 5/8/2017

Previously, there were 16 and 20 feet high light fixtures in the parking area, now only the 16 feet tall ones will be used. A reconfiguring of the LEDs allowed for the maintenance of a similar distribution pattern that will ensure the safety of people, especially the elderly, traversing the parking lot at night. As requested, light levels have been reduced with the use of 42 inch bollard lighting; 6 have been added in order to supply adequate coverage. There is one area where the lighting may project beyond the property line, so a variance will be needed.

Mayor Hoelscher motions, Mr. Lee seconds and the remaining Board members agreed with “Aye” to open the meeting to the public for questions of the Applicant’s Planner.

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OPEN TO THE PUBLIC

No residents wish to speak

Mr. McLaughlin motions, Mr. Ardito seconds and the remaining Board members agreed with “Aye” to close the meeting to the public.

CLOSED TO THE PUBLIC

Mr. Podvey distributes the Allegro Pet Policy to Board members.

Mr. Miller states there will be a number of stations for pet necessities.

Exhibit A-39 Reference to NJA C 8:37-14.1 to 14. 3, Emergency Plans is also distributed, to address the questions received about how an emergency must be handled per the DCA.

Mr. Podvey moves on to the COAH requirements. The on-site component of designating 10 percent of the beds as Medicaid beds, meets the requirements of the **Exhibit A-40 N. J. Department of Health and Senior Services policy memorandum** dated February 11, 2017. He reads 8:36-5.1, Types of Services Provided to Residents, and the title of the Disclosure of Assisted Living Facilities Medicaid Policy, “In accordance NJSA 26:2(h)-12.16 SA, a new assisted living residence or comprehensive personal care home licensed after September 1, 2001, shall obtain a level of occupancy by Medicaid eligible persons of at least 10 percent of its total bed compliment within three years of licensure and shall maintain this level of Medicaid occupancy thereafter.”

The off-site component is a proposed partnership with Bergen County United Way. A contract has been finalized between Allegro and United Way. It must be signed by the Borough, after the master and court have approved. Mr. Podvey invites **Mr. Tom Toronto**, of 6 Forest Avenue, Paramus to speak after he is sworn in. He explains that Bergen County United Way is an affordable housing developer. They have done several projects in the area: Emerson, Demarest, Montvale, Old Tappan, etc. The 106 Schraalenburgh Road former garage will be redeveloped into affordable housing specifically housing adults with developmental disabilities, potentially drawing resident from the local community. A project for seven bedrooms would fulfill the obligation created by the Suez site and Allegro as the Borough is potentially eligible for a bonus for every bedroom of supportive housing, doubling the number to 14. The property has been fully remediated environmentally to a residential standard. The four hydraulic lifts and those pits were all examined. They expect to close on the property in August, 2017. The intention is to submit an application with plans to the Planning Board for site plan approval. Mr. Toronto specifically states Bergen County United Way is prepared to undertake whatever is required to satisfy the demands on the Borough form an affordable housing perspective for the Allegro site and satisfy that demand in full collaboration with the Planning Board and the Borough. Due to Fair Housing Laws, there can be no preferential treatment of resident applications for Borough residents. Historically, these projects have looked to select folks who have strong local networks of support, though.

Mr. Hakim states that he can corroborate what Mr. Toronto has indicated, that the project has the support of the Special Master, and the judge overseeing Harrington Park’s affordable housing obligations. The Fair Share Housing Center has not signed off yet.

Mayor Hoelscher motions, Mr. Napolitano seconds and the remaining Board members agreed with “Aye” to open the meeting to the public for questions of Bergen County United Way’s Mr. Toronto.

OPEN TO THE PUBLIC

No residents wish to speak.

Mr. Ardito motions, Mr. Napolitano seconds and the remaining Board members agreed with “Aye” to close the meeting to the public.

CLOSED TO THE PUBLIC

Mr. Podvey states the Bergen County Soil Conservations application has been submitted and is pending.

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Ms. DiGerolamo states the TWA (treatment works approval) has not yet been submitted as Borough approval is needed first.

Mr. Kurus notes the following items from his report dated February 17, 2017 that need to be reflected on the final plan: 5, 6, 12, 13, 16, 17, 25, 26, 37, 38, 39, 40, 41, 45, 47, 48, 49, 50, 51, 53, 56, 57, 61, 62, 64, 65, 72, and 80.

Mr. Hakim runs through the items from his report dated February 17, 2017:

III, Code of Compliance, A is satisfied, B is the variance for rear yard parking setback, C and D have been addressed.

IV, Affordable Housing – still outstanding, and a condition of approval.

Subdivision

VI. 6, Site Plan A, B and C have all been addressed. D – It does not appear they have indicated on the plans which block or landscaped walls fitted with hand rails will be located. Ms. DiGerolamo states that detail will be on the final plan. E - Mr. King assures that the fountain detail will be added to the final plan. F was addressed. G, H, I, J, K, L, M, N, and O were all addressed.

VII. Architecture, A, B, C, D and E have been addressed.

VIII. Landscape architecture and lighting have all been addressed.

Mr. Napolitano motions, Mr. Seymour-Jones seconds and the remaining Board members agreed with “Aye” to open the meeting to the public for comments.

OPEN TO THE PUBLIC

Mr. Furman, 260 Florence Road, suggests the application be denied because the scope of the project is too large for the site, traffic concerns, and generator noise.

Mr. Ardito motions, Mr. Seymour-Jones seconds and the remaining Board members agreed with “Aye” to close the meeting to the public.

CLOSED TO THE PUBLIC

Mr. Podvey thanks the board, briefly reviews the testifiers and their testimony, and asks the board to vote in favor of the application.

Ms. Knarich notes that we have an application for preliminary site plan, soil movement and subdivision approval.

Mr. Podvey is asked to list the variances required:

- 1) Rear yard setback for parking – 50 is required, 10 is proposed.
- 2) 50 % Independent Living two bedrooms is required, 45% is proposed.
- 3) The size of one bedroom units required is 700 sq. ft., 673 sq. ft. is proposed.
- 4) The number of signs permitted is 2, 2 building mounted signs and two monument signs are proposed
- 5) A variance is requested for the lighting: per Harrington Park Zoning 350-16, Supplementary Regulations.
- 6) Tree removal ordinance requirements.

Ms. Knarich enumerates the eleven conditions of approval not included as general or standard conditions in all resolutions:

- 1) Cap on the building height as testified.
- 2) Allegro will contract with a private ambulance service for daytime days deemed necessary.
- 3) Building materials utilized will blend into the natural landscape.
- 4) Offsite parking to be arranged during special events and holidays on an as-needed basis hopefully scheduled during non –peak times of the day.
- 5) A two year guarantee on trees, compliance with the tree preservation and removal ordinance
- 6) Soil Movement Application as submitted
- 7) Outside agency approvals, including Bergen County, DEP, DCA, and TWA.
- 8) Compliance with any affordable housing obligations as required per Borough Ordinances as well as court mandated.
- 9) Subject to Board professionals reports: Neglia dated 1/12/2017, last revised 2/17/2017, Hakim Associates letter dated 1/13/2017, last revised 2/17/2017.

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- 10) Subject to Borough Department reports that include: Fire, Police, HP Ambulance Corps, Health Department, DPW, and Environmental Commission, and any others.

Motion for approval by Mr. Ardito

Planning Board members eligible to vote are announced: Mr. Capazzi, who provided a certificate for the meeting he missed, Mr. Ardito, Mayor Hoelscher, Mr. McLaughlin, and Mr. Lee who provided a certificate for the meeting he was late. Mr. Napolitano is not eligible due to absence. Mr. Waldron has consistently recused himself for this application. Mr. Barragato, alternate, is not eligible due to late arrival this evening. Mr. Seymour-Jones, alternate, is eligible.

Mr. McLaughlin seconded the motion; a vote was taken.

Allegro	Move	Second	YES	NO	Abstain
Chair John CAPAZZI			X		
Vice Chair Peter ARDITO	X		X		
Mayor HOELSCHER			X		
Councilman Allen NAPOLITANO					Ineligible
Richard McLAUGHLIN		X	X		
Philip LEE			X		
Robert WALDRON					Recused
Alt. #1 Jesse BARRAGATO					Ineligible
Alt. #2 Arnold SEYMOUR-JONES			X		

MEETING ADJOURNED @ 10:30 PM